

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ABBVIE INC., ALLERGAN, INC., a Delaware corporation; DURATA THERAPEUTICS, INC., a Delaware corporation; ABBVIE PRODUCTS LLC, PHARMACYCLICS LLC, a Delaware limited liability company; and ALLERGAN SALES, LLC, a Delaware limited liability company,

**4:25CV3089**

Plaintiffs,

vs.

MIKE HILGERS, in his official capacity as Attorney General of the State of Nebraska,

Defendant.

**MEMORANDUM AND ORDER**

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This matter is before the Court on the Motion for Leave to Submit Brief of *Amici Curiae* filed by the American Hospital Association, 340B Health, Nebraska Hospital Association, and American Society of Health-System Pharmacists (collectively, “Movants”). ([Filing No. 28.](#)) Movants seek leave to file a brief for the Court’s consideration in connection with Defendant’s Motion to Dismiss. ([Filing No. 26.](#)) Plaintiffs oppose the motion.

Whether to allow amicus curiae to file a brief regarding a pending motion is within the broad discretion of the district court. [\*Lyons v. York Cnty. Bd of Comm’rs, No. 4:21CV3296, 2022 WL 523751, at \\*1 \(D. Neb. Feb. 22, 2022\)\*](#). Factors the Court considers in evaluating such a request include “the parties’ own representation, the interest of the prospective amicus, and whether any parties will be prejudiced.” [\*Id.\*](#)

Here, there is no doubt that the parties are represented by competent counsel. However, due to the important legal questions involved in this case, and the Movants' unique perspective regarding the issues presented, the Court finds leave should be granted. The Court believes Movants may offer insight different from the parties which could be helpful to the Court. Also, there is no indication that anyone would be prejudiced by the Movants' submission of an amicus brief.

Accordingly,

**IT IS ORDERED:**

1. The Motion for Leave to Submit Brief of *Amici Curiae* ([Filing No. 28](#)) is granted.
2. Movants shall file their amicus brief by July 16, 2025.
3. Plaintiffs may respond to the brief by August 6, 2025.

Dated this 14<sup>th</sup> day of July, 2025.

BY THE COURT:

  
Susan M. Bazis  
United States District Judge